HIGH COURT OF UTTARANCHAL AT NAINITAL

C-482 NO. 1005 OF 2006

Saleem,
S/o Shabbir,
R/o Khata Kheri,
P.S. Kotwali Dehat,
District-Saharanpur. .....Applicant.

Vs.

State of Uttaranchal. .....Opp. Party.

Hon'ble Rajesh Tandon, J.

Heard Sri K.S. Verma, counsel for the applicant and A.G.A. for the State.

2. By the present application filed under Section 482 of the Code of Criminal Procedure, the applicant has prayed for a direction to the Registrar General of the high Court of Uttaranchal to refund the amount of Rs. 25,000/- to the applicant which was deposited by him through bank challan at Nainital.

3. Briefly stated, the applicant was tried in the Court of IInd Special Judicial Magistrate, Haridwar in Case No. 112/2005 State Vs. Saleem and others in Crime No. 200/2002 punishable under Section 467, 468, 471, 420 and 120-B of I.P.C. relating to P.S. Ranipur, District-Haridwar. The applicant was convicted on 29.05.2005 and was sentenced for a period of already undergone with a fine of Rs. 200/-.

4. The grievance of the applicant is that a sum of Rs. 25,000/- was deposited by him as per orders passed by this Court on 18.07.2003. The said order is quoted below:

> *"Heard Sri K.S. Verma, learned counsel for the applicant and learned A.G.A.*
>
> *The allegations were that the accused/applicant misappropriated the funds. Ion compliance of the Court's order dated 30th May, 2003 a sum of Rs. 25,000/- has been deposited. Considering this the accused/applicant is entitled to bail.*
>
> *Let the applicant Saleem @ Ishaq Lal be released bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M., Haridwar."*

5. The matter, therefore, is sent back to the Chief Judicial Magistrate, Haridwar for passing the appropriate orders in this regard in case the amount is required to satisfy in Crime No. 200 of 2002 under Section 467, 468, 471, 420, 120-B IPC, the necessary orders may be passed in this regard by the Magistrate concerned for releasing the said amount.

6. Subject to aforesaid, present application filed under Section 482 of the Code of Criminal Procedure is disposed of.

(Rajesh Tandon, J.)

19.12.2006
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